

REMARKS

In the Official Action mailed 16 November 2006, the Examiner reviewed claims 1-15. The Examiner has provisionally rejected claims 1-7, 9-11 and 13-15 for double patenting; has rejected claims 1, 2, 4-6, 8, 14 and 15 under 35 U.S.C. §102(e); has rejected claim 3 under 35 U.S.C. §103(a); has rejected claim 7 under 35 U.S.C. §103(a); has rejected claim 9 under 35 U.S.C. §103(a); has rejected claim 10 under 35 U.S.C. §103(a); and has rejected claims 11-13 under 35 U.S.C. §103(a).

Applicant has amended claim 8. Claims 1-15 remain pending.

The Examiner's rejections are respectively traversed below, and reconsideration is requested.

Provisional Rejection of Claims 1-7, 9-11 and 13-15 for Double Patenting

The Examiner has provisionally rejected claims 1-7, 9-11 and 13-15 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-8, 10, 11, 13, 12, 14 and 14, respectively, of copending Application No. 10/699,756, which was filed on the same day as the present application, and includes the same inventors.

Applicant submits herewith a terminal disclaimer, and the requisite fee.

Accordingly, reconsideration of the rejection of claims 1-7, 9-11 and 13-15 are respectfully requested.

Rejection of Claims 1, 2, 4-6, 8, 14 and 15 under 35 U.S.C. §102(e)

The Examiner has rejected claims 1, 2, 4-6, 8, 14 and 15 under 35 U.S.C. §102(e) as being anticipated by Kundu et al. (US 6,571,723). Reconsideration is requested because the Examiner's reliance on inherency is not supportable. Section 2112 IV, first paragraph of the MPEP states that "to establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference...'".

With respect to the rejection of independent claim 1, the Examiner states that "features are inherently taught by Kundu, in other words, memory has to store the mission function, the configuration load function to load/receive data from external device(s) and the configuration transfer function to transfer data within the FPGA; and a processor coupled to the memory which

fetches and executes said instructions from the memory.” (Office Action, page 4). These comments are directed to the claim limitations reading:

“memory storing instructions for a mission function for the integrated circuit, and storing instructions for a configuration function used to transfer the configuration data from the configuration memory to the programmable configuration points within the configurable logic array; and a processor coupled to the memory which fetches and executes said instructions from the memory”.

Applicants respectively disagree with Examiner’s position. Applicants submit that Kundu does not inherently teach any of the just quoted elements of claim 1, with the possible exception of storing instructions for a mission function.

As the Examiner acknowledges by the reliance on inherency, Kundu does not describe any structure that performs a process corresponding to the transfer function recited in the claims. At column 1, line 38 to column 1, line 46, Kundu describes two approaches used in stand alone FPGA products for programming the FPGA. In the first approach the FPGA is permanently programmed by the user. In the second approach, the FPGA is changeably programmed by the user, with the example cited as disclosed in Freeman (US 4,870,302). In column 11, line 33 to column 11, line 37 Freeman describes that “the master configurable logic array is capable of going into the nonvolatile memory with addresses to select particular data to be retrieved from the memory to be used to configure each of the slave configurable arrays.” Thus Freeman describes in this example a technique utilizing off chip resources (master FPGA) to load the configuration data and transfer it to the configuration points in a configurable logic array (slave FPGA). The FPGA of Kundu is likely, or at least possibly, configured in the same way as described by Freeman.

Therefore it is not necessarily true that Kundu would utilize the on chip processor it describes, to fetch and execute instructions from memory for a configuration function used to transfer the configuration data from the configuration memory to the programmable configuration points within the configurable logic array as recited in claim 1. Thus, the Examiner’s position of inherency is incorrect, and reconsideration is requested.

Claims 2, 4-6, 8, 14, and 15 depend on claim 1, and are patentable for at least the same reasons as claim 1.

Accordingly, reconsideration of the rejection of claims 1, 2, 4-6, 8, 14 and 15 as amended are respectfully requested.

Rejection of Claim 3 under 35 U.S.C. §103(a)

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Kundu in view of Hsu et al. (US 5,359,570).

Claim 3 depends from claim 1 and therefore is patentable for the reasons discussed above and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claim 3 is respectfully requested.

Rejection of Claim 7 under 35 U.S.C. §103(a)

The Examiner has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Kundu in view of Sun et al. (US 6,401,221).

Claim 7 depends from claim 1 and therefore is patentable for the reasons discussed above and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claim 7 is respectfully requested.

Rejection of Claim 9 under 35 U.S.C. §103(a)

The Examiner has rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Kundu in view of Sun et al. (US 5,901,330).

Claim 9 depends from claim 1 and therefore is patentable for the reasons discussed above and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claim 9 is respectfully requested.

Rejection of Claim 10 under 35 U.S.C. §103(a)

The Examiner has rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Kundu in view of Lawman (US 6,028,445).

Claim 10 depends from claim 1 and therefore is patentable for the reasons discussed above and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claim 10 is respectfully requested.

Rejection of Claims 11-13 under 35 U.S.C. §103(a)

The Examiner has rejected claims 11-13 under 35 U.S.C. §103(a) as being unpatentable over Kundu.

Claims 11-13 depend from claim 1 and therefore such claims are patentable for the reasons discussed above and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claims 11-13 is respectfully requested.

CONCLUSION

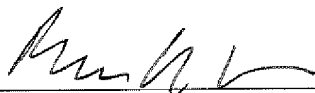
It is respectfully submitted that this application is now in condition for allowance, and such action is requested.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (MXIC 1522-1).

Respectfully submitted,

Dated:

14 Dec 06



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